

NATRONA COUNTY

Development Department

200 North Center Street, Room 202 Casper, WY 82601

AGENDA

Natrona County Planning Commission Tuesday December 9, 2014 – 5:30 P.M. Commissioner's Meeting Room 200 North Center St. Casper, WY 82601

ITEMS ON THIS AGENDA ARE SUBJECT TO A SECOND PUBLIC HEARING BEFORE THE <u>BOARD OF COUNTY COMMISSIONERS</u> FOR FINAL ACTION. RECOMMENDATIONS BY THE PLANNING COMMISSION ON ITEMS FROM THIS AGENDA MAY BE CONSIDERED BY THE BOARD OF COUNTY COMMISSIONERS AT ITS MEETING JANUARY 6, 2015 AT 5:30 P.M.

- **1.** Approval of the November 10, 2014 Planning Commission Meeting Minutes.
- 2. ZC14-0004 A request by the Natrona County Development Department for a Zone Map Amendment from the existing Urban Mixed Residential (UMR) zoning district to the Rural Residential One (RR-1) zoning district, affecting the Antelope Hills Area Subdivisions to include parcels located in Antelope Hills Estates #1 Lots 1-58, Antelope Hills Estates #2, lots 102, 115, 116, 120,149, 150, 152, 154, 156, 158, 160, 162, 164, 166, 168- 180, 189-192, 199, 200 and Antelope Hills Estate #3 lots 3-54.
- 3. ZC14-0005 A request by Elkhorn Rocks, LLC for a Zone Map Amendment from the existing Mountain Residential One (MR-1) zoning district to the Urban Agricultural (UA) zoning district, in Section 36, Township 33 North, Range 79 West, (640 acres) and Section 1, lot 4 (32.56 acres) and Section 2, lot 2 (105.67 acres) Township 33 North, Range 79 West of the Sixth Principal Meridian, Natrona County, Wyoming.
- **4.** Approval of the 2015 Planning and Zoning Commission meeting dates.

---PUBLIC COMMENT---

5. "Public Comment" is a time when citizens may bring forth items of interest or concern that are not on the agenda. Please note that no formal action will be taken on these items during this time, due to the open meeting law provision. However, they may be scheduled on a future posted agenda, if action is required.

ADA Compliance: Natrona County fully subscribes to the provisions of the Americans with Disabilities Act. If you desire to attend this public meeting and are in need of special accommodations, please notify the Natrona County Development Department at (307) 235-9435 so that appropriate auxiliary aids and services are available.



NATRONA COUNTY

Development Department

200 North Center Street, Room 202 Casper, WY 82601

MINUTES OF THE NATRONA COUNTY PLANNING COMMISSION NOVEMBER 10, 2014

MEMBERS PRESENT: Harold Wright, Jim Brown, and Tom Davis

MEMBERS ABSENT: Bob Bailey and Hal Hutchinson

STAFF MEMBERS PRESENT: Jason Gutierrez, and Peggy Johnson

OTHERS PRESENT: Bill Knight

Chairman Wright called the meeting to order at 5:30 p.m.

ITEM 1

Davis moved and Brown seconded a motion to approve the October 14, 2014 meeting minutes.

Motion carried unanimously.

ITEM 2

Chairman Wright opened the public hearing **PS14-0024** - A request by Rocking K Development, LLC for approval of a preliminary plat for the Salt Creek Industrial Park, a major subdivision consisting of 9 lots on a parcel of approximately 42.1 acres in the Light Industrial (LI) zoning district located in portions of the SW/4 of Section 29, Township 34 North, Range 79 West of the 6th Principal Meridian, Natrona County, Wyoming. The property is currently accessed from Salt Creek Highway.

Gutierrez gave the staff report. Staff recommends that the Planning and Zoning Commission act to recommend approval of the Salt Creek Industrial Park preliminary plat request by the Board of County Commissioners.

Staff recommends that the above motions incorporate by reference the findings of fact set forth herein and make them a part thereof.

Discussion between Planning and Zoning Commissioners, and staff and regarding the proposed Preliminary Plat.

Public hearing open

Speaking in favor – Keith Tyler (Casper), Larry Forsberg (Casper)

Planning Commission Minutes November 10, 2014 Page 2

Discussion between Planning and Zoning Commission and the applicant about a previous zone change and restrictions placed on the subdivision with buffers and residential neighborhoods.

Speaking in opposition - none

Public hearing closed

Brown moved approval of the Preliminary plat (PS14-0024) as presented by staff including the findings of fact. Davis seconds the motion. Motion carries unanimously.

Public comment - None

Commissioner Brown motioned to adjourn meeting at 6:05 p.m. Commissioner Davis seconded the motion. Motion carries.

Harold Wright, Chairman Natrona County Planning and Zoning Commission

Renea Vitto Natrona County Clerk

REQUEST FOR ZONE MAP AMENDMENT

ZC14-0004

STAFF REPORT DECEMBER 9, 2014 PLANNING AND ZONING COMMISSION MEETING

GENERAL INFORMATION:

PETITIONER Natrona County Development Department

(Applicant).

REQUEST Zone change from Urban Mixed Residential

(UMR) to Rural Residential One (RR-1) zoning,

affecting Antelope Hills 1, 2 and 3.

EXISTING

LEGAL DESCRIPTION Currently described as (1) Antelope Hills

Estates No.1 Lots 1-58; (2) Antelope Hills Estates No.2 Lots 102, 115, 116, 120,149, 150, 152, 154, 156, 158, 160, 162, 164, 166, 168-180, 189-192, 199, 200; (3) Antelope Hills

Estates No. 3 Lots 3-54

PARCEL ACREAGE 771.56 Acres

LOCATION Interstate Highway 25 Frontage Road, mile

marker 203 through 206 (Approximately 15

miles north of Casper)

EXISTING ZONING Urban Mixed Residential (UMR) pending zone

change to Rural Residential One (RR-1).

SURROUNDING ZONING

North Ranching, Agricultural and Mining (RAM)
South Ranching, Agricultural and Mining (RAM) and

Rural Residential One (RR-1)

East Ranching, Agricultural and Mining (RAM) and

(RR-1)

West Ranching, Agricultural and Mining (RAM)

PUBLIC UTILITIES Private wells and septic systems

DATE OF APPLICATION September 30, 2014

GENERAL STANDARDS FOR ZONE MAP AMENDMENTS

Definition: An applicant must demonstrate that at least one of the following criteria is met for the approval to be consistent with the Zoning Resolution:

- (1) Is necessary to come into compliance with the Natrona County Development Plan.
- (2) Existing zoning of the land was the result of a clerical error.
- (3) Existing zoning of the land was based on a mistake of fact.
- (4) Existing zoning of the land failed to take into account the constraints on development created by the natural characteristics of the land, including but not limited to, steep slopes, floodplain, unstable soils, and inadequate drainage.
- (5) The land or its surrounding environs has changed or is changing to such a degree that it is in the public interest to encourage a redevelopment of the area or to recognize the changed character of the area.
- (6) Proposed rezoning is necessary in order to provide land for a community need that was not anticipated at the time of adoption of the Natrona County Development Plan.
- **ISSUE 1:** Does the zone change meet the first criterion—Is necessary to come into compliance with the Natrona County Development Plan?

<u>Proposed finding of fact:</u> Whereas the intent and purpose of RR-1 zoning is to establish and protect an area for low density residential and accessory agricultural uses, the intent and purpose of UMR zoning is to establish and protect a medium to high density residential neighborhood with compatible business uses and future annexation to a municipality.

The distinction between land uses and the stated intent and purposes of RR-1 zoning versus UMR zoning, especially with regard to intended residential density, has been shown to support the preferences of Antelope Hills Estates residents and the proposed zone change to RR-1 in accordance with current land planning. Therefore, it is the position of the Planning Department that criterion number 1 is met.

ISSUE 2: Does the zone change meet the fifth criterion—The land or its surrounding environs has changed or is changing to such a degree that it is in the public interest to encourage a redevelopment of the area or to recognize the changed character of the area?

<u>Proposed finding of fact:</u> A recent Open-House meeting with the Antelope Hills Estates residents focused on the proposed zone change from Urban Mixed Residential (UMR) to Rural Residential One (RR-1). The residents placed emphasis on the Light Agriculture land use and the allowance of two single family, mobile homes, manufactured homes or seasonal dwellings per lot or tract, both are land uses which are not allowed in UMR zoning and are permitted in RR-1 as a matter of right.

Prior to 1984, Antelope Hills 1 & 3 were zoned (A) Agriculture and prior to 1975, Antelope Hills 2 was zoned (O-D) Open District. The current situation of (UMR) and (RR-1), mixed in the area has resulted in lots that do not allow Light Agriculture (horses, chickens, etc.) adjacent to lots with animals. The enforcement of the two distinct zones is difficult and requires the residents in (UMR) to apply for a Conditional Use Permit (CUP).

The evolution of preferred land uses clearly shows the changed characteristic of the area. Therefore, it is the position of the Planning Department that criterion number 5 is met.

PUBLIC COMMENT:

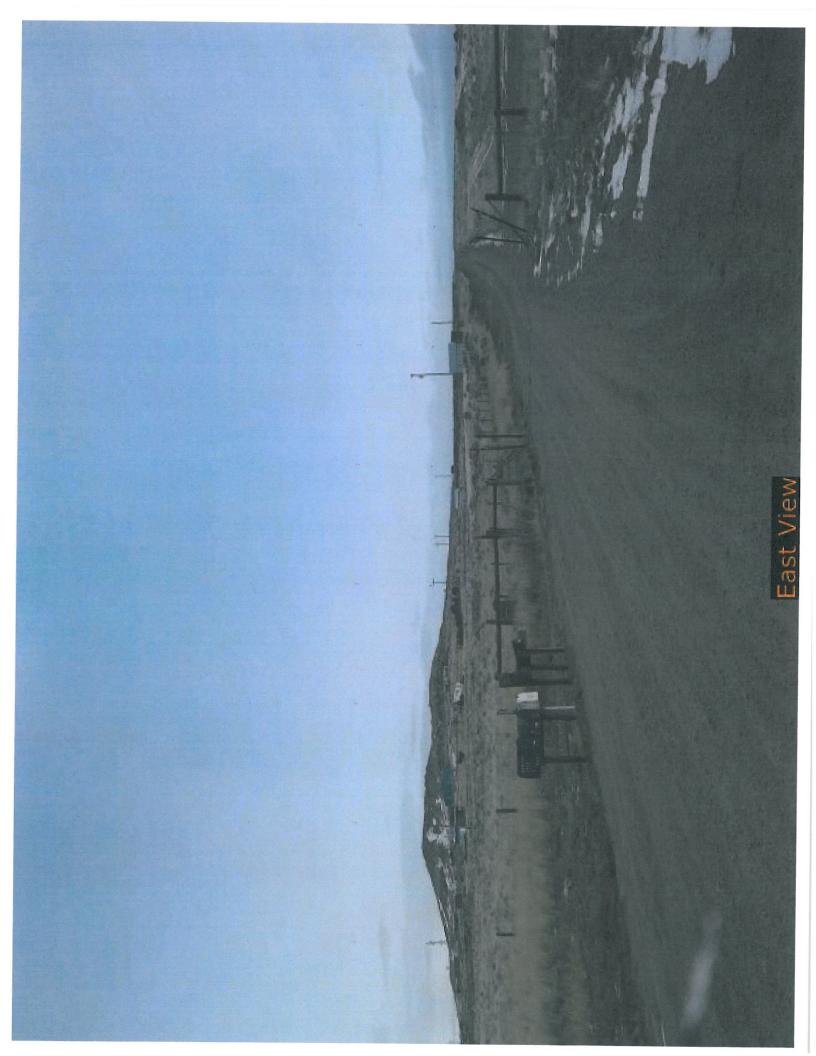
To date, the Natrona County Development Department has received significant public comment from Antelope Hills Estates residents in support of the proposed zone change from Urban Mixed Residential (UMR) to Rural Residential One (RR-1).

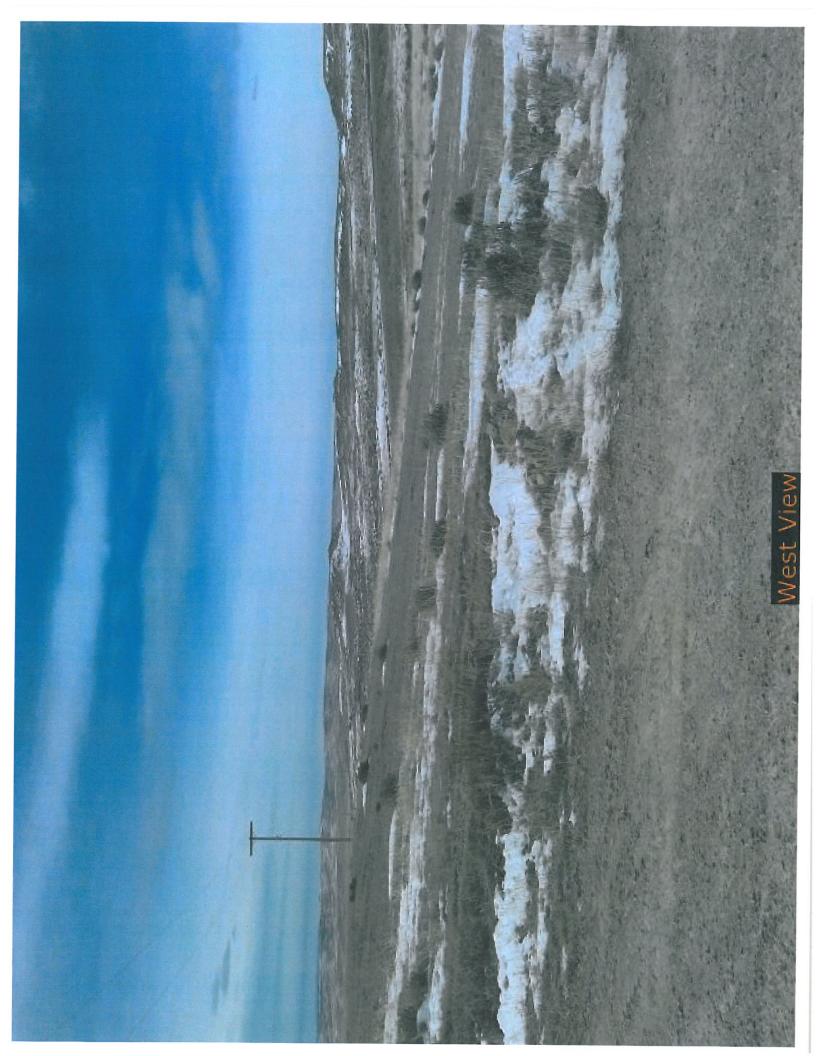
STAFF REVIEW:

Staff proposes a motion and vote by the Planning and Zoning Commission to recommend approval by the Board of County Commissioners of this zone change from Urban Mixed Residential (UMR) to Rural Residential One (RR-1) zoning district because the first and fifth criteria have been satisfied.

Staff also recommends that the motion incorporate by reference all findings of fact set forth herein and make them a part thereof.







REQUEST FOR ZONE MAP AMENDMENT

ZC14-0005

STAFF REPORT **FOR DECEMBER 9, 2014** PLANNING AND ZONING MEETING

GENERAL INFORMATION:

PETITIONER East Elkhorn Ranch, represented by David

Fertiq

REQUEST Zone change from Mountain Residential One

> (MR-1) zoning to Urban Agricultural (UA) zoning, primarily affecting Section 36; Section 1-Lot 4: Section 2-Lots 1 and 2: Section 30-Lots 1 and 2 within the East Elkhorn Ranch.

EXISTING

LEGAL DESCRIPTION Currently described as a portion of the SW1/4

> Section 29, Township 34 North, Range 79 West of the 6th Principal Meridian, Natrona

County, Wyoming.

PARCEL ACREAGE Proposed rezone 778 Acres, East Elkhorn

Ranch 3,000+ Acres

LOCATION 3917 Country Club Road, Casper, WY 82602

EXISTING ZONING Mountain Residential One (MR-1) pending

zone change to Urban Agricultural (UA).

SURROUNDING ZONING

North Mountain Residential One (MR-1)

Urban Agricultural (UA) South

Mountain Residential One (MR-1) East Mountain Residential One (MR-1) West

DATE OF APPLICATION

REVIEWED BY

Zoning History

October 21, 2014 Gene Wallace

Subject property was zoned UA in the 2000 Zoning Resolution, but during the 2004 Casper Mountain rezoned the property to the current MR-1 Zoning.

GENERAL STANDARDS FOR ZONE MAP AMENDMENTS

Definition: An applicant must demonstrate that at least one of the following criteria is met for the approval to be consistent with the Zoning Resolution:

- (1) Is necessary to come into compliance with the Natrona County Development Plan.
- (2) Existing zoning of the land was the result of a clerical error.
- (3) Existing zoning of the land was based on a mistake of fact.
- (4) Existing zoning of the land failed to take into account the constraints on development created by the natural characteristics of the land, including but not limited to, steep slopes, floodplain, unstable soils, and inadequate drainage.
- (5) The land or its surrounding environs has changed or is changing to such a degree that it is in the public interest to encourage a redevelopment of the area or to recognize the changed character of the area.
- (6) Proposed rezoning is necessary in order to provide land for a community need that was not anticipated at the time of adoption of the Natrona County Development Plan.

ISSUE 1: Does the zone change meet the fourth criterion— Existing zoning of the land failed to take into account the constraints on development created by the natural characteristics of the land, including but not limited to, steep slopes, floodplain, unstable soils, and inadequate drainage?

Proposed finding of fact: The subject property is addressed regarding Neighborhoods 40 – Southeast and MR-1 of the Casper Mountain Plan. The Neighborhood Development Plan includes recommendations of open space, agriculture with slope protection. Natural landscape is steep and irregular public access does not exist and surrounding access is owned by applicant. Roads are impassable during winter months due to snow accumulation accompanied by above-average wind speeds along Casper Mountain foothills. Runoff and storm water discharge from Casper Mountain present significant engineering challenges associated with drainage control and infrastructure development. Development of this property as current MR-1(establishment and protect areas for low density residential uses, recreational uses, and accessory agricultural uses) would be difficult and are not part of the development of the East Elkhorn Ranch.

The existing conditions coupled with land ownership make the development as MR-1 difficult. It is the position of the Planning Department that criterion number 4 is met.

ISSUE 2: Does the zone change meet the fifth criterion—The land or its surrounding environs has changed or is changing to such a degree that it is in the public interest to encourage a redevelopment of the area or to recognize the changed character of the area?

Proposed finding of fact: Mountain Residential One (MR-1) zoning was superimposed on certain land tracts previously zoned Urban Agricultural (UA). Subject property is within the Elkhorn Creek drainage and has been redeveloped into primary agricultural use. It is worthy of note that a majority of landowners within a one-mile radius of the proposed zone change have historically as well as currently sought restoration of agricultural land uses. Capture and new beneficial use of natural resources have been the main focus of the East Elkhorn Ranch. Water resources have been redeveloped into hay meadows, irrigated via center pivot, for the harvesting and grazing of livestock. This redevelopment of natural resources and agricultural is consistent with the Urban Agricultural zoning district of prior 2004. Property adjacent to the western boundary of the East Elkhorn Ranch has been gifted to the Nature Conservancy. Consequently, residential development in the gifted area will not be an option. The beneficial use of natural resources including agricultural uses is continuing to provide a necessary product to the community.

The evolution of an increased agricultural presence in the Casper Mountain foothills area shows the changed characteristic of the area. Therefore, it is the position of the Planning Department that criterion number 5 is met.

ISSSUE 3: Does the zone change meet the sixth criterion-- Proposed rezoning is necessary in order to provide land for a community need that was not anticipated at the time of adoption of the Natrona County Development Plan.

<u>Proposed finding of fact</u>: In 2004 when the subject property was rezoned from UA to MR-1 the large amount of natural resources located with this property were not fully understood. Through the applicant's efforts, natural resources such as water and agricultural uses are being redeveloped providing a future community need. These uses are within the UA zoning district of pre 2004.

Through the applicants development plan the property is providing a need not addressed during the rezoning of the property in 2004 to MR-1

PUBLIC COMMENT:

To date, the Natrona County Development Department has received four (4) public comments in opposition of the zone change proposed hereunder.

PLANNING COMMISSION REVIEW AND PROCEDURE:

The following are options are available to the Planning Commission when making a recommendation to the Board of County Commissioners:

- Approve the application as submitted
- · Approved the application subject to conditions
- Deny the application
- Table the application to date specific
- Dismiss or table application indefinitely with consent of applicant

Staff recommends that the motion incorporate by reference all findings of fact set forth herein and make them a part thereof.

Peggy Johnson

From:

Kristi Tatman; HAMM Equipment <ktatman@shovelrepair.com>

Sent:

Monday, December 01, 2014 8:10 PM

To: Subject: Peggy Johnson [SPAM] Rezoning to UA

December 1, 2014

Natrona County Planning & Development 200 N. Center, Suite 202 Casper, WY 82601

Attn: Peggy Johnson, Administrative Assistant

Members of Planning & Development

We have very recently become aware of a pending application for a zoning change on land located south and east of Casper, WY. This application has been submitted by Elkhorn Rocks, LLC. The land is currently zoned as Mountain Residential 1 (MR-1), and is proposed to be rezoned as Urban Agricultural (UA).

We all live on Scenic Drive, in very close proximity to this land in question. **We are opposed** to this land being rezoned. Our area is also zoned as MR-1. We purchased land in this area, built homes, or purchased homes in this area in large part due to the natural beauty, serenity, and protection of these attributes offered by zoning.

This proposed zoning change could drastically change our neighborhood, potentially affecting some of the very reasons we chose to live in this area. In addition, we are concerned that changing the area land use could affect our investment by lowering property valuations, especially allowing mobile homes and the miscellaneous conditional use activities which can be allowed under the UA designation.

It is appropriate that this land remain zoned as MR-1. Casper Mountain is one of Casper's most beautiful attractions, and land in the immediate area should protect this beauty that all Natrona County residents enjoy.

In short, rezoning this land to Urban Agricultural opens up a multitude of land use options. These land use options are not desirable to be in close proximity to our neighborhood.

Please reject this rezoning application.

Respectfully,

Virgil & Kristi Tatman 4927 Scenic Rte Casper, WY 82601 (307) 267-6636 December 2, 2014

Natrona County Planning & Development

200 N. Center

Suite 202

Casper, WY 82601

Attn: Peggy Johnson, Administrative Assistant

Members of Planning & Development

We have very recently become aware of a pending application for a zoning change on land located south and east of Casper, WY. This application has been submitted by Elkhorn Rocks, LLC. The land is currently zoned as Mountain Residential 1 (MR-1), and is proposed to be rezoned as Urban Agricultural (UA).

We all live on Scenic Drive, in very close proximity to this land in question. **We are opposed** to this land being rezoned. Our area is also zoned as MR-1. We purchased land in this area, built homes, or purchased homes in this area in large part due to the natural beauty, serenity, and protection of these attributes offered by zoning.

This proposed zoning change could drastically change our neighborhood, potentially affecting some of the very reasons we chose to live in this area. In addition, we are concerned that changing the area land use could affect our investment by lowering property valuations, especially allowing mobile homes and the miscellaneous conditional use activities which can be allowed under the UA designation.

It is appropriate that this land remain zoned as MR-1. Casper Mountain is one of Casper's most beautiful attractions, and land in the immediate area should protect this beauty that all Natrona County residents enjoy.

In short, rezoning this land to Urban Agricultural opens up a multitude of land use options. These land use options are not desirable to be in close proximity to our neighborhood.

I do think MR-1 "conditional use permit" should be modified to allow commercial grazing of livestock on the non-developed land to keep the fire hazard down and to keep the land "healthy".

Please reject this rezoning application.

Respectfully,
Three of Russell
Deanette Russell

Bruce & Jeanette Russell

5390 Scenic Route

Casper, WY 82601-6700

4935 Scenic Route Casper, WY 82601

December 3, 2014 Natrona County Planning & Development 200 N. Center Suite 202 Casper, WY 82601

Attn: Peggy Johnson, Administrative Assistant

Members of Planning & Development

We have very recently become aware of a pending application for a zoning change on land located south and east of Casper, WY. This application has been submitted by Elkhorn Rocks, LLC. The land is currently zoned as Mountain Residential 1 (MR-1), and is proposed to be rezoned as Urban Agricultural (UA).

We all live on Scenic Drive, in very close proximity to this land in question. We are opposed to this land being rezoned. Our area is also zoned as MR-1. We purchased land in this area, built homes, or purchased homes in this area in large part due to the natural beauty, serenity, and protection of these attributes offered by zoning.

This proposed zoning change could drastically change our neighborhood, potentially affecting some of the very reasons we chose to live in this area. In addition, we are concerned that changing the area land use could affect our investment by lowering property valuations, especially allowing mobile homes and the miscellaneous conditional use activities which can be allowed under the UA designation.

It is appropriate that this land remain zoned as MR-1. Casper Mountain is one of Casper's most beautiful attractions, and land in the immediate area should protect this beauty that all Natrona County residents enjoy.

In short, rezoning this land to Urban Agricultural opens up a multitude of land use options. These land use options are not desirable to be in close proximity to our neighborhood.

Please reject this rezoning application.

Respectfully,

Ron and Rita Iverson 307-262-3247

Maren

roniverson@juno.com

From: bruce gmail

brussell2756@gmail.com>
To: dinafleming8

dinafleming8@aol.com>

Subject: zoning

Date: Mon, Dec 1, 2014 6:22 pm

This is the letter we put together. If you agree you would need to print your name and Scenic address and sign it, scan it, then send it to: pjohnson@natronacounty-wy.gov or take it to 200 North center street, room 202.

Thanks,

Bruce

December 3, 2014

Natrona County Planning & Development

200 N. Center

Suite 202

Casper, WY 82601

Attn: Peggy Johnson, Administrative Assistant

Members of Planning & Development

We have very recently become aware of a pending application for a zoning change on land located south and east of Casper, WY. This application has been submitted by Elkhorn Rocks, LLC. The land is currently zoned as Mountain Residential 1 (MR-1), and is proposed to be rezoned as Urban Agricultural (UA).

We all live on Scenic Drive, in very close proximity to this land in question. **We are opposed** to this land being rezoned. Our area is also zoned as MR-1. We purchased land in this area, built homes, or purchased homes in this area in large part due to the natural beauty, serenity, and protection of these attributes offered by zoning.

This proposed zoning change could drastically change our neighborhood, potentially affecting some of the very reasons we chose to live in this area. In addition, we are concerned that changing the area land use could affect our investment by lowering property valuations, especially allowing mobile homes and the miscellaneous conditional use activities which can be allowed under the UA designation.

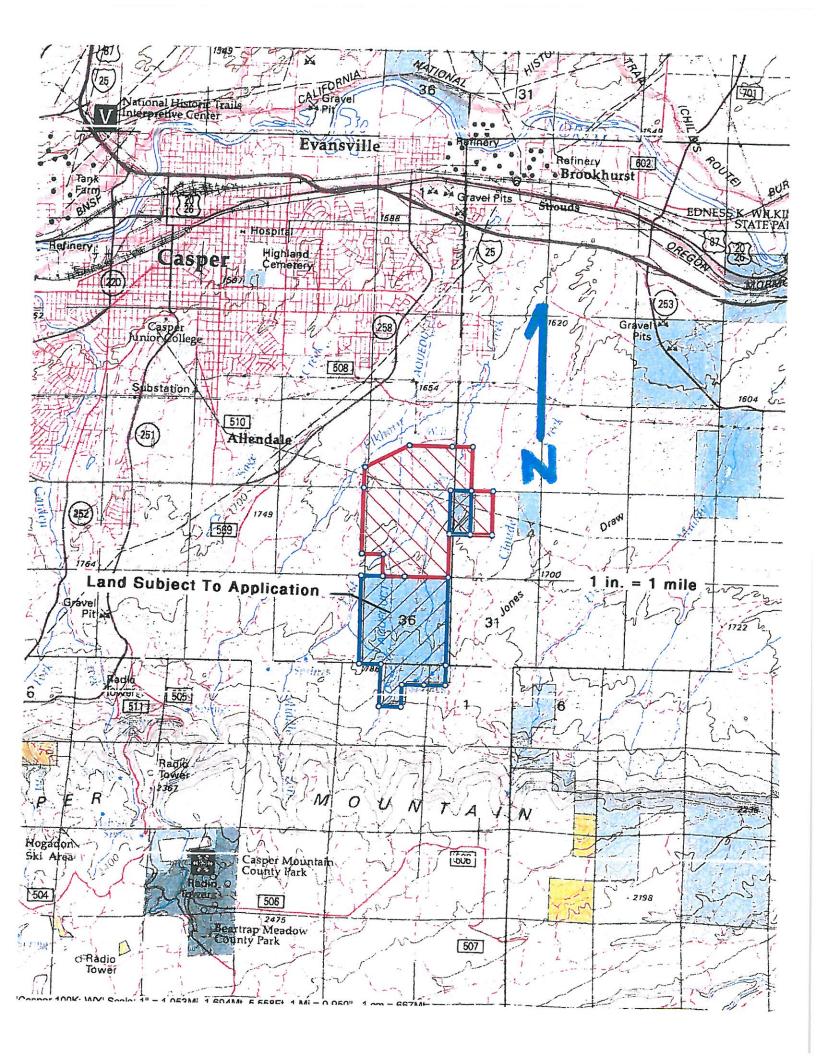
It is appropriate that this land remain zoned as MR-1. Casper Mountain is one of Casper's most beautiful attractions, and land in the immediate area should protect this beauty that all Natrona County residents enjoy.

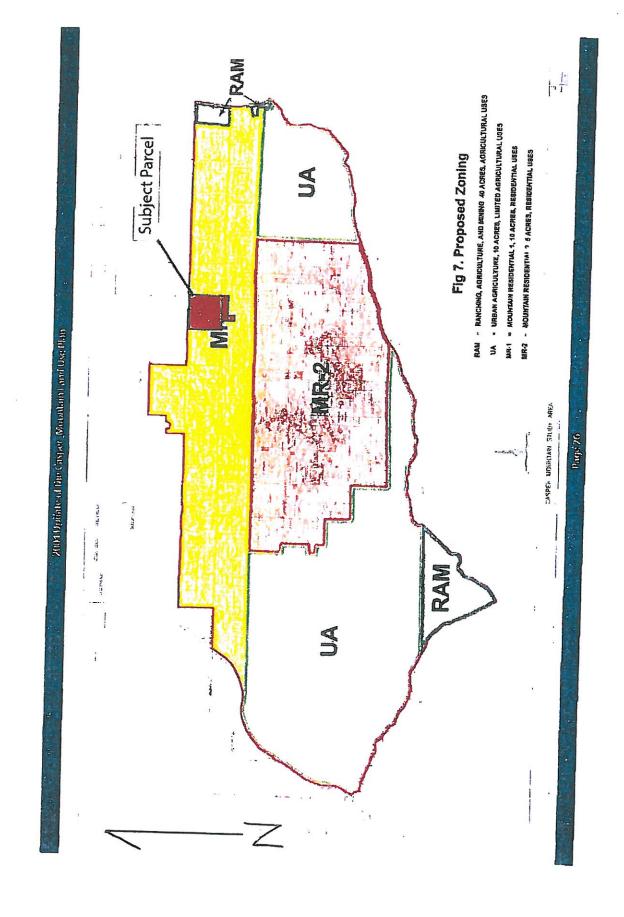
In short, rezoning this land to Urban Agricultural opens up a multitude of land use options. These land use options are not desirable to be in close proximity to our neighborhood.

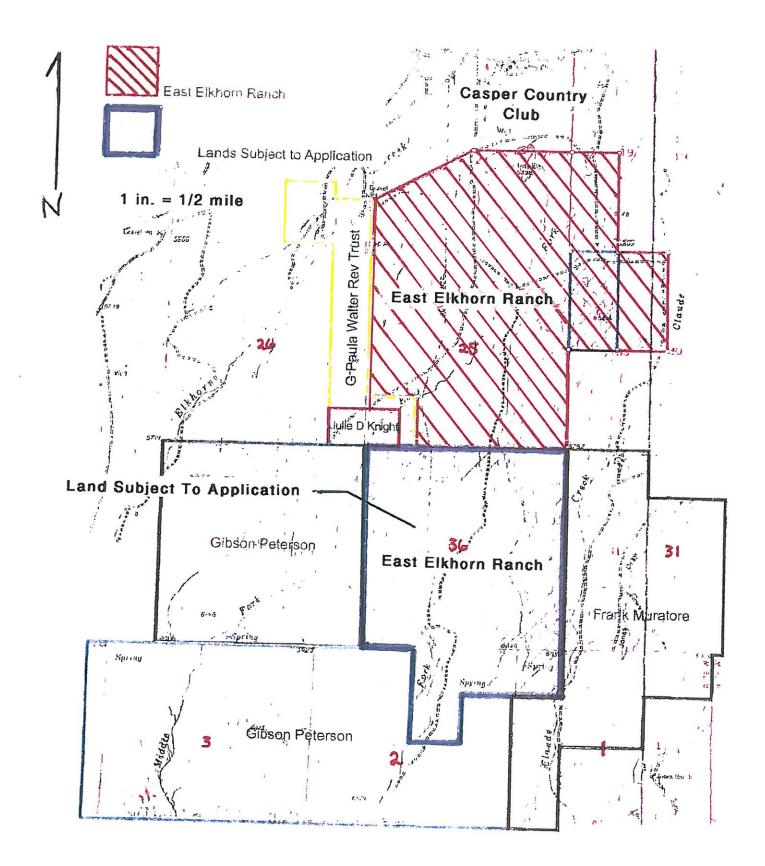
Please reject this rezoning application.

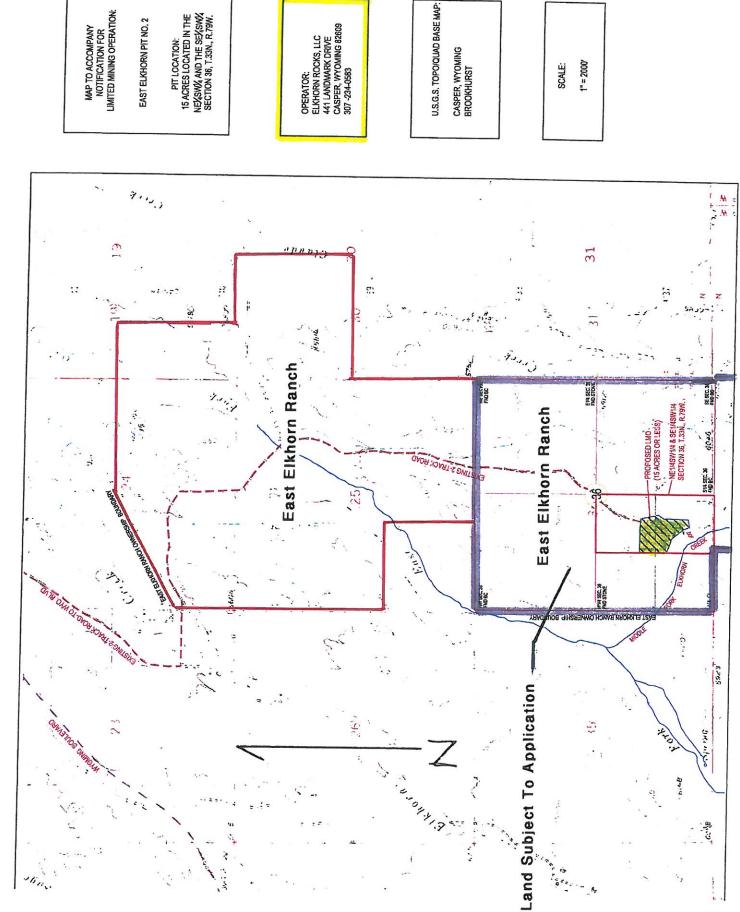
Respectfully,

Aldina Fleming 4923 Scenic Rte DR Casper, WY 82601 Plua flemi 812112



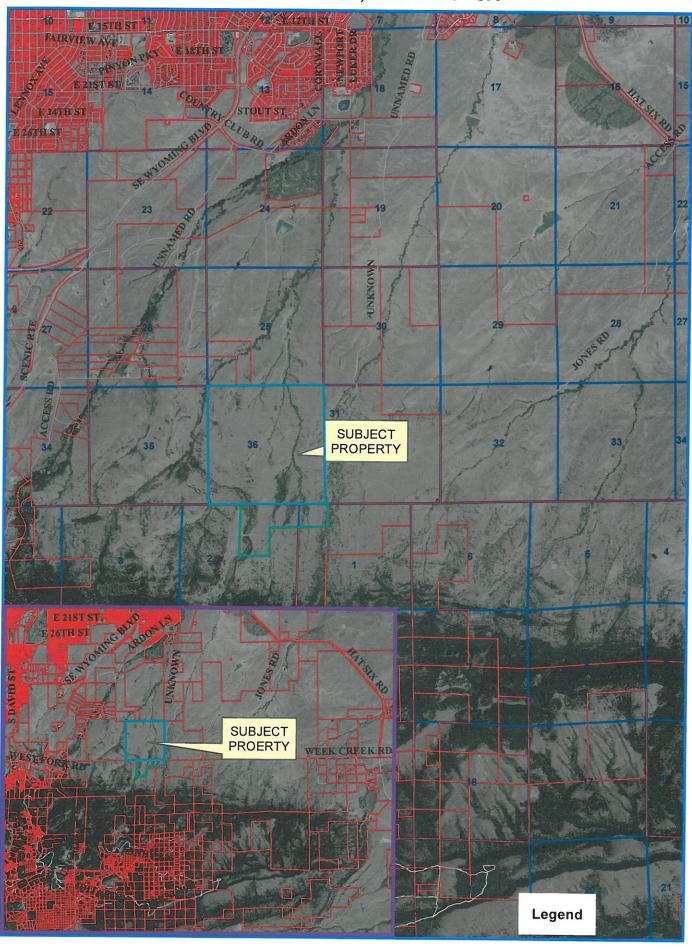




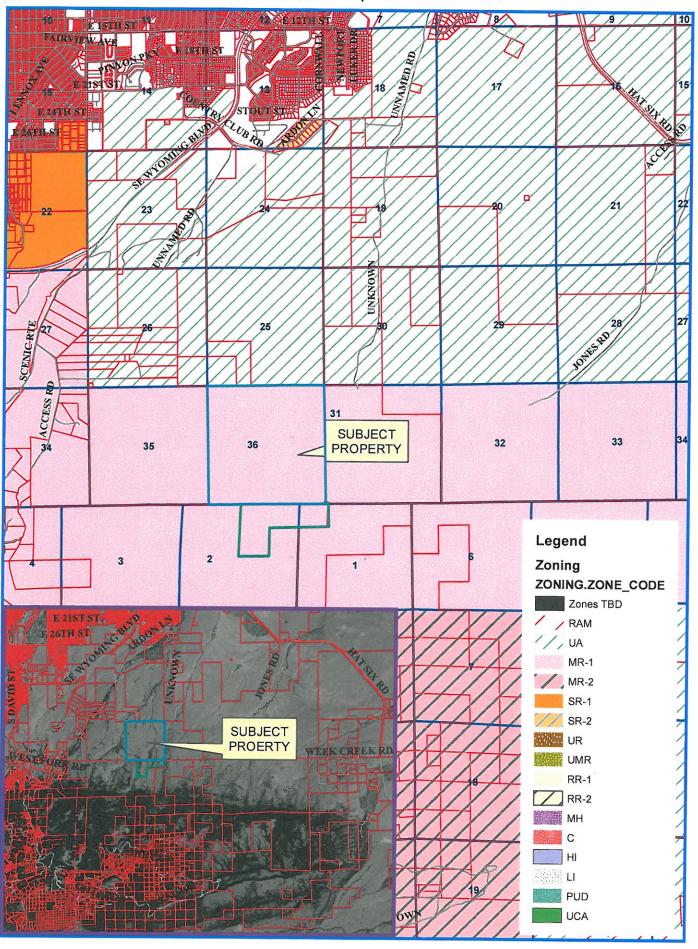


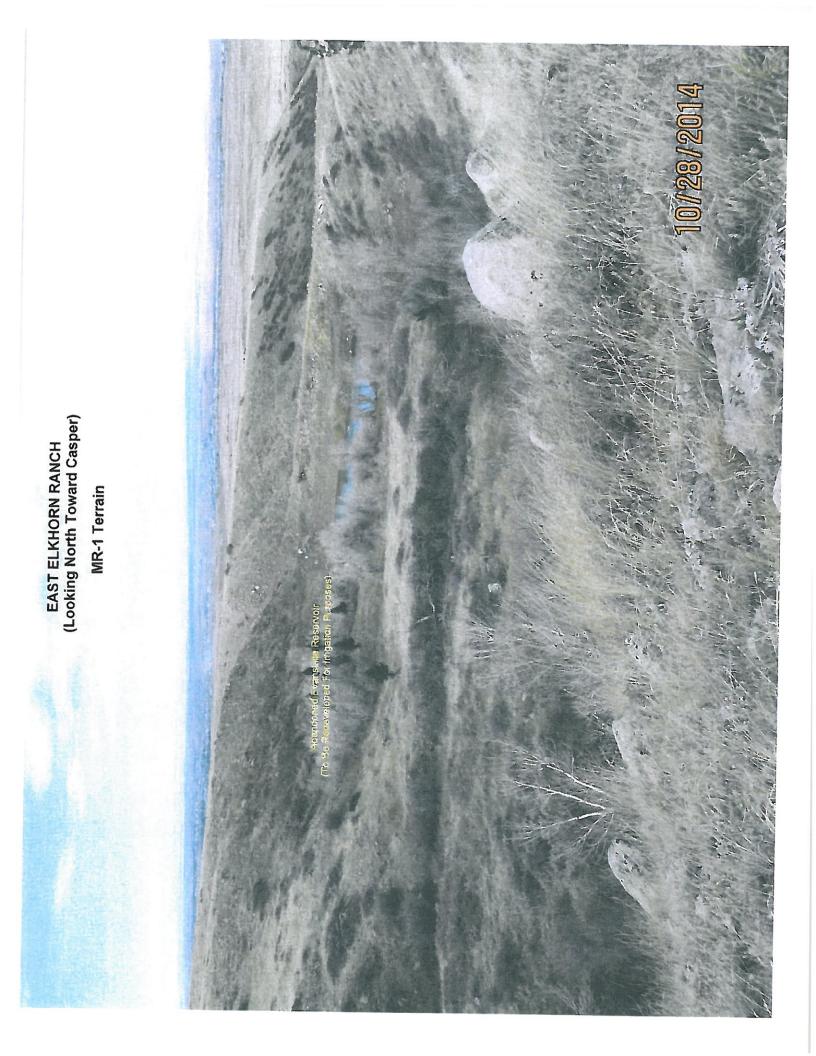
U.S.G.S. TOPO/QUAD BASE MAP:

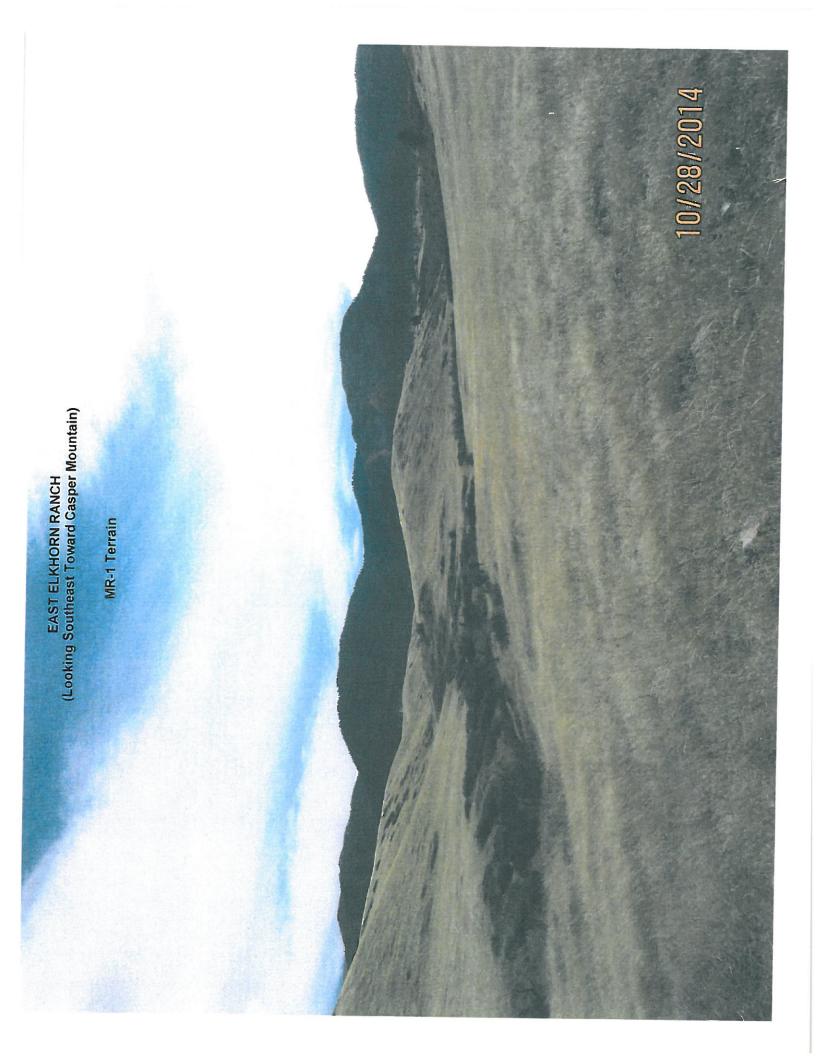
ELKHORN ROCKS, LLC MR-1 - UA

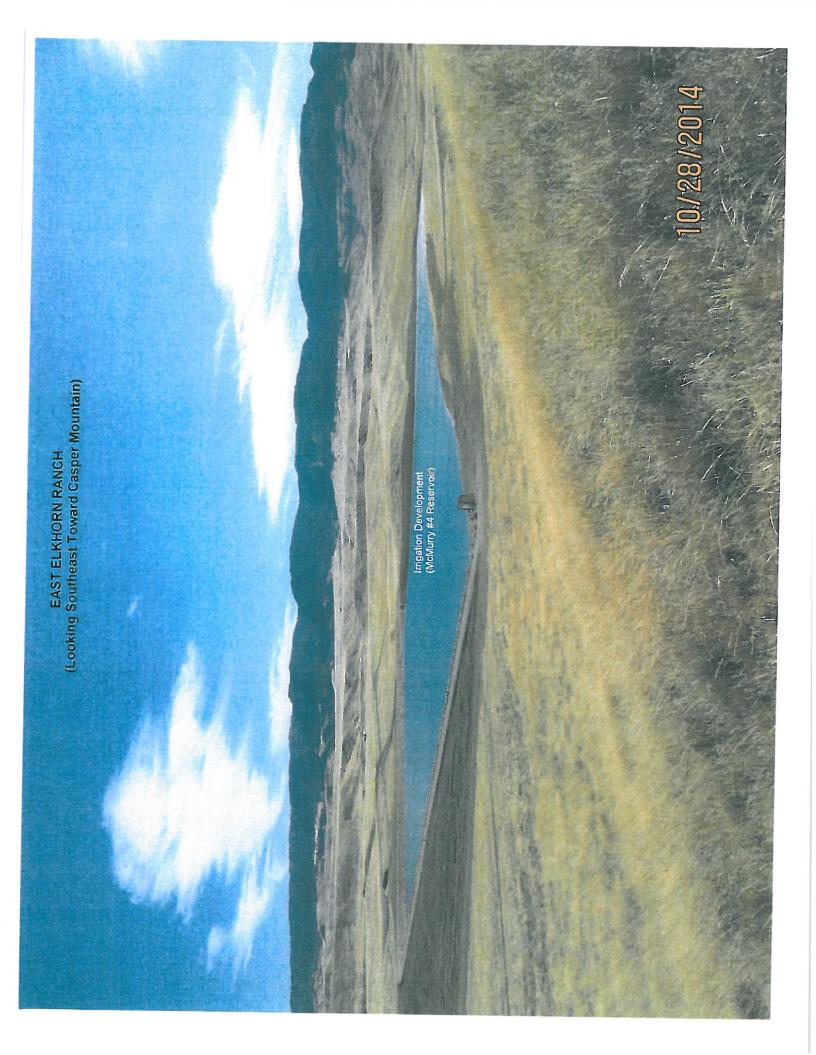


ELKHORN ROCKS, LLC MR-1 - UA









2015 Planning and Zoning Commission Meeting Schedule And Submittal Deadlines

Both the Natrona County Planning and Zoning Commission and the Board of County Commissioners' meeting are public hearings and begin at 5:30 p.m. in the District Courtroom #1 in the Natrona County Courthouse, 200 N. Center St. Casper, Wyoming.

- Special meetings may be scheduled with the consent of the Chairman
- Meeting dates are subject to change.
- All applications will be forwarded to the second Board of County Commissioners meeting following the Planning Commission hearing.

Zone Change and Subdivision Application Deadlines	Conditional Use Permit, Exception and Variance Application Deadlines	Planning and Zoning Commission Meeting Dates
November 25, 2014	December 18, 2015	January 13, 2015
December 22, 2015	January 16, 2015	February 10, 2015
January 19, 2015	February 12, 2015	March 10, 2015
February 23, 2015	March 19, 2015	April 14, 2015
March 23, 2015	April 16, 2015	May 12, 2015
April 20, 2015	May 14, 2015	June 9, 2015
May 18, 2015	June 18, 2015	July 14, 2015
June 22, 2015	July 16, 2015	August 11, 2015
July 20, 2015	August 13, 2015	September 8, 2015
August 24, 2015	September 17, 2015	October 13, 2015
September 21, 2015	October 15, 2015	November 10, 2015
October 19, 2015	November 12, 2015	December 8, 2015
November 23, 2015	December 17, 2015	January 12, 2016

Major Subdivisions: a Notice of Intent to Subdivide must be published before the plats can be submitted for comments (see Appendix R of the Natrona County Subdivision Regulations for publication format).

_